

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/26/11 has been entered.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview on 4/28/11 with Attorney Majid S. Albassam.

The application has been amended as follows:

Claim 19 (Currently Amended). An apparatus comprising:  
at least one transmitter configured to transmit a first carrier at a predetermined power level thereby defining a fixed coverage area of a cell of a communications system, and further configured to transmit a variable number of further carriers to define, at least in part, a dynamically variable total number of carriers in the cell, wherein each of the further carriers has a dynamically variable coverage area,

wherein power levels of the further carriers depend upon a proximity of a mobile station associated with a carrier to a base station.

wherein a total power of the further carriers comprises a predetermined power,  
and

wherein a portion of said predetermined power among the further carriers is  
determined by a total number of carriers.

**Claim 21 (Canceled).**

Claim 22(Currently Amended). An apparatus according to claim 2119, wherein the at

least one transmitter is further configured to reduce power allocated to at least one carrier in response to an increase in the number of further carriers.

Claim 23. An apparatus according to claim 51, wherein the said power level is variable in dependence on a position of a mobile station.

Claim 27(Currently Amended). An apparatus comprising:  
first carrier transmitting means for transmitting a first carrier at a predetermined power level thereby defining a fixed coverage area of a cell of a communications system,  
and

variable number transmitting means for transmitting a variable number of further carriers to define, at least in part, a dynamically variable total number of carriers in the cell, wherein each of the further carriers has a dynamically variable coverage area,

wherein power levels of the further carriers depend upon a proximity of a mobile station associated with a carrier to a base station.

wherein a total power of the further carriers comprises a predetermined power,  
and

wherein a portion of said predetermined power among the further carriers is  
determined by a total number of carriers.

***Allowable Subject Matter***

In view of amended claims and further search, Claims 1, 7, 10, 14, 16-19, 22-25, 27 and 28 are allowed.

The following is an examiner's statement of reasons for allowance:  
Claims 1, 7, 10, 14, 16-19, 22-25, 27 and 28 are allowed for the reasons as set forth in applicant's response filed on 12/27/2010.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUNG LAM whose telephone number is (571)272-6497. The examiner can normally be reached on M - F 9 - 5:30 pm, Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamran Afshar can be reached on (571) 272-7667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dung Lam/  
Examiner, Art Unit 2617

/KAMRAN AFSHAR/  
Supervisory Patent Examiner, Art Unit 2617